REMARKS

The Office Action dated February 23, 2009 has been received and reviewed by the Applicant. Claims 14 and 17-29 are pending in the application. and are rejected. Claims 17-20 and 24-29 have been cancelled. New claims 30-32 have been added. Currently active claims are 14, 21-23 and 30-32.

The claimed invention comprises a kiosk for providing interest-specific advertisements on an output digital image storage medium. An important feature of the claimed invention is that image information content is extracted from one or more digital images, and the extracted image information content is analyzed to identify one or more interest categories. Interest-specific advertisements are then provided to a user based on the identified interest categories. In claim 14, the one or more digital images and the one or more interest-specific advertisements are provided on an output digital image storage medium. In new claim 30, the interest-specific advertisements are printed and provided together with an output digital image storage medium containing the one or more digital images.

Claim Rejections – 35 USC 112

Claims 18 and 25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 18 and 25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner's basis for these rejections is that "printed matter is not considered to be a 'storage medium.'" By this amendment, claims 18 and 25 have been cancelled. New claim 30 incorporates the feature of providing printed advertisements as in claims 18 and 25, but using language that avoids the ambiguity of the printed matter being referred to as a "printed storage medium." The new claim language ("printing the correlated interest-specific advertisements") is supported by the specification which teaches that the "advertisements could be supplied as pre-printed inserts or as print on demand advertisements" (see page 3, line 29 to page 4, line 1 of the specification).

Applicants believe that the language of new claims 30-32 should overcome the stated rejections and should be in condition for allowance.

Claim Rejections – 35 USC 103

The Examiner rejected claims 14 and 17-29 under 35 U.S.C. § 103(a) as being unpatentable over Ko et al. (US 2001/0044742) in view of King et al. (US 2002/0055373) and further in view of Lipson et al. (5,963,670).

By this amendment, claims 17-20 and 24-29 have been cancelled. The remaining claims to which this rejection is applied are claims 14 and 21-23. However, new claims 30-32 are closely related to previous claims 18 and 25, and will be discussed here as well.

Claims 14 and 30 are the only independent claims in this case. An important feature of both of these claims is a processor that extracts image information content from the one or more digital images, analyzes the extracted image information content to identify one or more interest categories, and correlates the one or more interest categories to one or more interest-specific advertisements.

Ko et al. teach extracting date/time information from a disk to determine whether updated advertising should be stored on the disk. As noted by the Examiner, Ko et al. do not specify extracting specific image content from one or more images stored on the disk as required by the claimed invention.

King et al. teach a means for displaying a picture file on a cell phone, wherein the picture file could be an advertisement determined based on information in a user's profile. The Examiner cites King as teaching "a method of matching advertisements (services such as 'vacation opportunities') to specific content information associated with picture files (Paragraphs 0030 and 0038.)" and suggests that "to match a vacation opportunity to an image, there must inherently be some form of classification performed." While Applicants agree that King teaches determining appropriate advertising based on the type of picture files that a user has entered, Applicants do not believe King teaches obtaining the information needed to make this classification through the analysis of extracted image information content. Rather, in paragraph [0038] King indicates that the categorization is based on "information in the user's profile." There is no indication that this information is extracted through the analysis of images. Since

the method of King is intended for use with cell phones, it is more likely that any information about where images have been captured would be determined from other means such as knowledge regarding the location of the cell phone at the time an image is captured or viewed (e.g., from cell tower location).

Lipson et al. teach a method for classifying and identifying images including using techniques such as face recognition. Lipson et al. do not teach using the determined image classifications for any activity related to providing interest-specific advertisements.

The Examiner has acknowledged that "neither Ko nor King appear to specify computer-analyzing images to receive such specific image content." Since neither Ko nor King teach the analysis of images to extract image information, Applicants fail to see how it would be obvious to substitute the image analysis methods of Lipson et al. into the method of Ko et al. and King et al. to obtain a predictable result. Furthermore, Applicants fail to see what motivation one of ordinary skill in the art at the time of the invention would have had to combine the methods of providing advertising taught by Ko et al. and King et al. with the image analysis method of Lipson et al to produce the claimed invention. Rather, it is believed that the Examiner's rejection is based on improper hindsight reasoning (see MPEP 2145(X)(A)), and that it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine these references. Applicants respectfully request that the Examiner reconsider his finding of obviousness and allow claims 14 and 30, together with their corresponding dependent claims.

Furthermore, new independent claim 30 requires a "means for printing the correlated interest-specific advertisements to be provided together with the output digital image storage medium." None of the cited references teach printing interest-specific advertisements to be provided with an output digital image storage medium. None of the references, taken singly, or in combination, disclose, suggest or provide any motivation for the feature of providing printed interest-specific advertisements as required in new claim 30. It is therefore believed that claim 30 represents new and non-obvious subject matter relative to the cited prior art, and should be in condition for allowance.

Relative to claims 23 and 29, the Examiner suggested that once information is extracted, that information is inherently meta-data as it is data that

provides information about other data. Claim 29 has been canceled and claim 23 has been amended to clarify that the claimed meta-data is not the same as the information extracted from the digital image, but rather is information that is stored with the input digital image in digital image files.

Regarding claims 21 and 27, the Examiner suggested that "Ko teaches image, video and audio advertisements (Paragraphs 0031 and 0032)." Applicants fail to see any reference to "image, video and audio advertisements" in the indicated paragraphs. The "targeted advertisements" taught by Ko et al. would appear to include pictures (see paragraph [0038]), but are not believed to include video or audio advertisements. In any event, claim 27 has been cancelled, and claim 21 depends on claim 14, and should be allowable along with it.

Regarding claims 18 and 25, the Examiner indicates that "Ko teaches imprinting data onto a disc." Claims 18 and 25 have been cancelled, and new claims 30-32 have been added to cover the case where the advertisements are printed and provided together with the output digital image storage medium. Applicants fail to see where Ko et al. teach providing printed interest-specific advertisements on a disk. But even if Ko et al. provide such advertisements, claim 30 is believed to be allowable over Ko et al. for the reasons discussed above.

All of the remaining claims that have not been specifically discussed depend on independent claims 14 and 30 and should be allowable along with them. In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.